

Remarks

Applicant expresses appreciation to the Examiner for the consideration of the subject patent application. Claims 1-21 stand rejected under 35 U.S.C. 112 second paragraph, as indefinite; Claims 1-5 are rejected under 35 U.S.C. 103(a) as obvious over Moor et al. 6,431,779 ("Moor"); Claims 1-6, 20 and 21 stand rejected under Section 103(a) over Hatano, *et al.* U.S. Patent No. 5,741,028 ("Hatano") in view of "Hatano's prior art": Claims 7-19 stand rejected under Section 103 over Hatano in view of Hatano's prior art and further in view of Lee, *et al.* U.S. Patent No. 5,947,279 ("Lee").

SECTION 112 Rejections:

The word "aspect" has several meanings, but the more commonly-understood meaning is consistent with the claim language usage, i.e. "appearance to the eye or mind"; "nature, quality, character" of a thing. See the attached dictionary definition. In light of this, reconsideration and withdrawal of the rejection is requested. The definition asserted by the Examiner seems to roughly coincide with definition 7 of the word "aspect" in the attached definition. It is respectfully asserted that the Examiner's request for explanation of the meaning of "aspect" in relation to a color is not required, in that the meaning of "a color aspect" of a thing is clear and unambiguous from the commonly understood meanings of "color" and "aspect".

SECTION 103 Rejections:

The following discussion shall be directed to the issues raised as pertinent to the independent claims of the application. It is recognized that the issues raised by the Examiner pertaining only to dependant claims are addressed by discussions regarding the independent claims, as they are in this case rendered moot if the independent claim(s) are found allowable. The dependant claims are more narrow in scope than the independent claims from which they depend, and in the present circumstances are patentable if the independent claim is patentable.

Regarding the citation of the Moor reference, this appears to be a conventional student-oriented organizer, including a standard 3-ring binder, and accordingly teaches away from making it any size other than standard 3-ring binder size. Accordingly the holding of *In re Rose* cited by the Examiner is not relevant given the facts of this present case.

Moreover, secondary indicia of non-obviousness abound in this case. 12"by 12" scrapbooking paper had been introduced long before the present invention, but no translucent archival organizer configured to organize 12x 12 scrapbooking paper was known prior to applicant's invention and introduction of her organizer in the market place. Scrapbookers were using cardboard boxes, including such things as pizza boxes, which would accommodate the 12x12 paper, to organize their materials. Applicant introduced her invention to the marketplace, and it met with success. Within weeks, competitors began to exhibit prototypes of similar products and within a few months sales of scrapbooking organizers were dominated by products having the features set forth in claim 1. See Declarations of Applicant and others on this point.

Regarding the rejection of claims 1-6, 20, 21 over Hatano: again there is no teaching regarding size of the sheets (documents) to be accommodated. Certainly, there is no teaching of accommodating a 12"x12" scrapbooking paper.

Further, the document teaches a conventional organizer, and away from accommodating a 12"x12" size. Further, Applicant renews it's argument that the Hatano reference teaches away from providing a translucent container, in that it distinguishes itself from the prior art cited at col.1, lines 10-12 in that it relies instead on the system of raising the pockets to a cascaded configuration for viewing the contents. (see prior response).

Accordingly, applicant requests reconsideration and withdrawal of the rejection for at least the reason that the Hatano does not teach or suggest the combination set forth in the claims, and in fact teaches away. It is applicants position that the specific combination(s) of elements set forth in the claims is not suggested by the combination of the Hatano reference and the discussion of prior art therein, in that it suggests going in another direction for providing viewing of the contents, not for adopting the prior art feature of clear plastic walls.

The rejections of claims 7-19 should be withdrawn for at least the reasons set out above. Particularly, the combination cited against these claims does not disclose nor suggest configuring an organizer for scrapbooking use, and no suggestion of the combination of translucent walls, accommodating the larger scrapbooking paper size, and providing the other pocket sizes is made, rather the combination teaches away (see prior response).

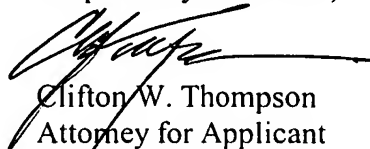
Per the prior response in this application there was a long-felt need, which went unfilled for considerable time (a matter of years, not months) after 12"x12" paper was introduced and became popular in scrapbooking, that was filled by the invention. Other practitioners in the art, makers of scrapbooking products, followed applicant's lead and introduced similar products after Applicant's products were marketed.

It is respectfully asserted that the claims, as they stand, are patentable over the art of record. As mentioned, though the specific rejections of dependant claims have not been discussed, the dependant claims are patentable for the same reasons that the independent claims are patentable.

The Examiner is invited to call the undersigned representative of the Applicant at (801) 566-6633 if there is any question or concern regarding this matter.

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Respectfully submitted,


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